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Honorable Victor Marrero
U.S. District Judge
Southern District of New York
500 Pearl Street, Suite 660
New York, New York 10007

September 17, 2007

SDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9-18-07

Re: Alberto Paulino v. City of New York, et al., 07 Civ. 7223 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the above-referenced case representing the City of New York ("City").¹ I write with respect to the above-referenced matter in which plaintiff alleges that defendants falsely arrested and assaulted him. Defendant City respectfully requests an extension of time to respond to the complaint from September 17, 2007 until November 16, 2007. Plaintiff's counsel consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the

¹ Upon information and belief, the individual defendant, Lieutenant Broughton has not yet been served. If served, should the Court grant this enlargement, this office, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, would have time to determine whether we may represent the individually name defendant in this matter. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

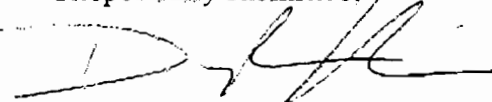
release of sealed arrest and criminal prosecution records so that defendant City can access the information, properly assess the case, and respond to this complaint.

Additionally, because plaintiff has alleged assault and battery, which may have resulted in physical and/or psychological injuries, this office is also in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident, so defendant City can properly assess the case and respond to the complaint.

No previous request for an extension or adjournment has been made in this action. Accordingly, we respectfully request that defendants' time to respond to the complaint be extended until November 16, 2007


Thank you for your consideration herein.

Respectfully submitted,



Douglas W. Heim (DH 5238)
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Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>11-16-07</u>	
SO ORDERED.	
<u>9-17-07</u> DATE	 VICTOR MARRERO, U.S.D.J.